WRIT PETITION NO.21376 OF 1994

DATE: 14-11-2006

Between:

1. M.Munaswami Raju .. Petitioner

and

1. The Executive Officer,
Tirumala Tirupati Devasthanams,
Tirupati and another … Respondennts

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.21376 OF 1994

ORDER:

Questioning the inaction of the respondents, in not allotting an alternative site or shop to him in Tirumala, as violative of Article 14 of the Constitution of India and seeking a consequential direction to the 1st respondent to allot an alternative site or shop to him at Tirumala under the displaced persons category without insisting for documentary evidence of his displacement, the present writ petition is filed.

While the writ petition was filed in 1994, the petitioner seeks to place reliance on two proceedings issued, more than two decades prior thereto, in December, 1970 and January, 1971 whereunder the shop was temporarily kept vacant, on the basis of the petitioner's representation dated 6.11.1970 and he was later directed to vacate the premises. The respondents, in their counter-affidavit, while admitting that the T.T.D. was providing shops to those displaced persons whose properties were acquired under land acquisition proceedings, would submit that the petitioner did not produce any evidence to establish that he was displaced from any shop. The respondent would contend, rightly so, that the proceedings dated 21.12.1970 and the letter dated 25.6.1973 do not show that the petitioner was a displaced person.

In the absence of any proof being submitted by him in this regard, and as the petitioner has not established his right to claim allotment of a shop under the displaced category, the action of the respondents, in refusing to allot him a shop at Tirumala, cannot be faulted. Even before this Court, despite having invoked its jurisdiction under Article 226 after an undue and inordinate delay, the petitioner is in no position to establish that he comes under the displaced category entitling him to claim the benefit of being allotted an alternative shop or site.

The writ petition is devoid of merits and is accordingly dismissed. No costs.

_____

14-11-2006

asp

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

-

-